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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF
AMERICA,

Plaintiff/Respondent,

v.

ROY ALLEN GREEN,

Defendant/Petitioner.

Case No. 1:00-cr-5339

STIPULATION AND
PROPOSED ORDER TO
EXTEND TIME TO FILE
TRAVERSE

Movant Roy Green, by and through counsel Krista Hart, and the United States, by and through counsel Assistant U.S. Attorney Dawrence W. Rice, Jr., hereby stipulate and agree that movant's traverse, currently due on December 15, 2016, be due on December 22, 2016.

Mr. Green is a federal prisoner proceeding with counsel on a motion pursuant to 28 U.S.C. § 2255. Mr. Green, Reg. No. 03327-063, is serving the 687-month sentence imposed in this case at the Florence ADMAX USP,

in Colorado. He has an expected release date of February 25, 2062.¹

Mr. Green filed the § 2255 motion on June 23, 2016. (ECF No. 18.) The Court issued an order setting a briefing schedule on July 6, 2016. (ECF No. 19.) The government timely filed its Opposition on August 19, 2016. (ECF No. 20.) Mr. Green's Traverse was originally due on October 18, 2016, he sought and was granted an extension to November 17, 2016. (ECF No. 22.) Mr. Greens sought and was granted a second extension to December 15, 2016. Mr. Green now seeks a third extension of one week to December 22, 2016.

Counsel for Mr. Green needs additional time to review the government's Opposition, to communicate with Mr. Green and to research and prepare the Traverse. As noted above, Mr. Green is serving a lengthy prison sentence, based on the charges of conviction in this case and the consecutive 150-month sentence out of Pennsylvania, Mr. Green will serve a lengthy sentence even if this motion were to be granted. Thus, Mr. Green will not suffer any prejudice or extended time in prison if this extension is

¹ Mr. Green is also serving a 150-month federal sentence out of the Middle District of Pennsylvania. *United States v. Green*, 4:01-CR-0397-MM. On June 14, 2016, Mr. Green, represented by the Federal Public Defender there, filed a motion pursuant to 28 U.S.C. § 2255 challenging his prior convictions and status as a career offender pursuant to *Johnson v. United States*.

granted.

The parties stipulate and agree that Mr. Green's Traverse may be due on December 22, 2016.

DATED: December 14, 2016

PHILLIP A. TALBERT
Acting United States Attorney

/s/ Dawrence W. Rice, Jr.
Assistant U.S. Attorney

DATED: December 14, 2016

/s/ Krista Hart
Counsel for Roy Green

ORDER

Good cause appearing, movant's Traverse shall be filed on or before December 22, 2016.

IT IS SO ORDERED.

Dated: December 14, 2016

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE